

COASTAL ZONE MANAGEMENT REAUTHORIZATION ACT OF
1996

APRIL 16, 1996.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1965]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1965) to reauthorize the Coastal Zone Management Act of 1972, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Coastal Zone Management Reauthorization Act of 1996”.

SEC. 2. FINANCIAL ASSISTANCE FOR DEVELOPMENT OF STATE COASTAL PROGRAMS.

(a) REAUTHORIZATION OF PROGRAM.—Section 305(a) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454(a)) is amended—

(1) by striking “1991, 1992, and 1993” and inserting “1996, 1997, 1998, and 1999”; and

(2) by striking “two” and inserting “four”.

(b) TERMINATION OF PROGRAM.—

(1) IN GENERAL.—Section 305 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1454) is amended—

(A) by striking subsection (a);

(B) by striking “(b)”; and

(C) by amending the heading to read as follows:

“SUBMITTAL OF STATE PROGRAM FOR APPROVAL”.

(2) CONFORMING AMENDMENTS.—Section 308(b)(2)(B) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1457(b)(2)(B)) is amended—

- (A) in clause (iv) by adding “and” after the semicolon;
 - (B) by striking clause (v); and
 - (C) by redesignating clause (vi) as clause (v).
- (3) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1999.

SEC. 3. IMPLEMENTATION ASSISTANCE FOR COASTAL ZONE ENHANCEMENT.

Section 309(b) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456b(b)) is amended—

- (1) by inserting “(1)” before “Subject to”; and
- (2) by adding at the end the following new paragraph:

“(2)(A) In addition to any amounts provided under section 306, and subject to the availability of appropriations, the Secretary may make grants under this subsection to States for implementing program changes approved by the Secretary in accordance with section 306(e).

“(B) Grants under this paragraph to implement a program change may not be made in any fiscal year after the second fiscal year that begins after the approval of that change by the Secretary.”.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR GRANTS.

Section 318 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1464) is amended—

- (1) by striking “SEC. 318.” and all that follows through subsection (a) and inserting the following:

“SEC. 318. (a) There are authorized to be appropriated to the Secretary, to remain available until expended—

 - “(1) for grants under sections 306, 306A, and 309—
 - “(A) \$46,200,000 for fiscal year 1996;
 - “(B) \$47,600,000 for fiscal year 1997;
 - “(C) \$49,000,000 for fiscal year 1998;
 - “(D) \$50,500,000 for fiscal year 1999; and
 - “(E) \$52,000,000 for fiscal year 2000; and
 - “(2) for grants under section 315—
 - “(A) \$4,300,000 for fiscal year 1996;
 - “(B) \$4,400,000 for fiscal year 1997;
 - “(C) \$4,500,000 for fiscal year 1998;
 - “(D) \$4,600,000 for fiscal year 1999; and
 - “(E) \$4,700,000 for fiscal year 2000.”;
- (2) by striking subsection (b); and
- (3) by redesignating subsections (c) and (d) in order as subsections (b) and (c).

SEC. 5. COASTAL ZONE MANAGEMENT FUND.

(a) AUTHORIZATION FOR ADMINISTRATIVE EXPENSES.—Section 308(b)(2)(A) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a(b)(2)(A)) is amended to read as follows:

“(A) Expenses incident to the administration of this title, in an amount not to exceed for each of fiscal years 1996, 1997, 1998, 1999, and 2000 the higher of—

- “(i) \$4,000,000; or
- “(ii) 8 percent of the total amount appropriated under this title for the fiscal year.”.

(b) AUTHORIZATION FOR PROGRAM DEVELOPMENT GRANTS.—Section 308(b)(2)(B)(v) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a(b)(2)(B)(v)) is amended to read as follows:

“(v) program development grants as authorized by section 305, in an amount not to exceed \$500,000 for fiscal year 1996, and \$200,000 for each of fiscal years 1997, 1998, and 1999; and”.

SEC. 6. MATCHING REQUIREMENT.

Section 315(e)(3) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1461(e)(3)) is amended by adding at the end the following new subparagraph:

“(C) Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as natural resource damages may be used to pay 100 percent of the costs of activities carried out with the assistance.”.

PURPOSE OF THE BILL

The purpose of H.R. 1965 is to reauthorize the Coastal Zone Management Act of 1972.

BACKGROUND AND NEED FOR LEGISLATION

Over sixty percent of all Americans live within 50 miles of the Atlantic, Pacific, Gulf, and Great Lakes coasts. The population density in this area is four times the national average, and coastal population is expected to grow by 15 percent in the next 20 years. This rise in population will lead to increase use of coastal areas. Existing uses have already caused significant impacts on coastal ecosystems, including shoreline erosion and wildlife habitat. It also places greater demands on the limited coastal areas available for public use.

In light of the enormous growth of coastal populations, and in lieu of Federally-mandated land use legislation, Congress enacted and President Richard Nixon signed into law the Coastal Zone Management Act (CZMA) in 1972. The CZMA provides grants to states that develop Federally-approved coastal zone management (CZM) plans to help plan for development in coastal areas and to reduce conflicts among competing uses of the coastal zone. It also allows states with approved plans to review Federal actions for consistency with those plans, and authorizes the establishment of the National Estuarine Research Reserve System. The CZMA is entirely voluntary.

To date, 29 of 35 eligible coastal states and U.S. territories have Federally-approved CZM plans, and five other states are working to prepare acceptable plans. These 29 approved plans include 95,000 miles of coastline, which represent almost 95 percent of the national total.

The CZMA requires that approved state management programs include: (1) the boundaries of the coastal zone affected by the program; (2) an inventory and designation of areas of particular concern in the coastal zone; (3) a definition of permitted land and water/uses that directly impact coastal waters; (4) an identification of how those uses will be controlled; (5) an outline of broad guidelines to determine priority of uses in coastal areas; (6) a description of the administrative structure that will operate the approved management program; (7) a definition of "beach" and a planning process for dealing with access to public coastal areas; (8) a planning process for energy facilities likely to be located in or to significantly affect the coastal zone; and (9) a planning process for studying both the effects of coastal erosion and ways to control it. State coastal zone programs are comprised entirely of state laws and regulations, are staffed by state government employees, and serve primarily as coordination and planning tools for all activities in coastal areas.

The CZMA is administered by the National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce. NOAA reviews and recommends to the Secretary of Commerce the approval of state CZM programs, provides technical assistance and program administration guidance, administers the grants program, and coordinates programs among the states.

STATE GRANT PROGRAMS

Under section 306 of the CZMA, each coastal state receives between \$500,000 and \$2.15 million annually in grants to implement its Federally-approved coastal zone management program. These

funds must be matched 50/50 by the state. The grant amount is calculated using the state's coastal population and shoreline mileage.

In addition, coastal states making satisfactory progress implementing their plans are eligible for Resource Management Improvement Grants under CZMA section 306A. These grants are targeted to help states preserve or restore certain coastal areas, redevelop urban waterfronts and ports, and provide access to public beaches and coastal waters. These grants must also be matched by the state.

States are also eligible for limited grants to help develop CZM programs under section 305 of the CZMA. Under current law, states may receive up to \$200,000, which must be matched on a 4:1 basis with state contributions. Funds are derived from the Coastal Zone Management Fund established under section 308 of the CZMA, which is capitalized from repayments of loans to coastal states under the now-defunct Coastal Energy Impact Program. Authorizations for development grants expired in 1993.

Finally, participating states may compete for section 309 Coastal Zone Enhancement Grants. These additional Federal funds can be used to strengthen the state programs in several areas, including public access to coastal areas; control of development impacts; protection from coastal hazards; special area management planning; and management of ocean resources. These grants are awarded by NOAA based on a review of the state programs. Funding for Coastal Zone Enhancement Grants comes from a set-aside of between 10 and 20 percent of appropriations for the section 306 and 306A grants, up to a maximum of \$10 million annually. No state match is required for these grants.

Section 306 and 306A state grants were funded at \$45.5 million in Fiscal Year 1995, and \$46.2 million in Fiscal Year 1996 under the continuing budget resolution.

CONSISTENCY

Under the CZMA, states with approved plans are able to review Federal activities (including private activities that require Federal permits) affecting any land or water use or natural resource of the coastal zone to determine whether these activities are consistent with their programs. Federal agencies must ensure that their activities and development projects are consistent to the maximum extent practicable with the state programs; the Federal agency makes this determination. For activities requiring Federal permits or licenses (including offshore oil and gas exploration and development activities on the Outer Continental Shelf) and for state and local government requests for financial Federal assistance, the state makes the determination. If a state finds that the proposed activity is not consistent with its CZM program, the Federal license, permit or financial assistance may not be granted. The applicant may appeal a state objection to the Secretary of Commerce.

NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM

Section 315 of the CZMA authorizes the National Estuarine Research Reserve System (NERRS). Under the CZMA, the Secretary of Commerce can make grants, which must be matched by the rel-

evant state, which enable coastal states to acquire, develop, and operate estuarine research reserves. Estuarine research reserves are areas of representative estuarine ecosystems suitable for long-term protection and study. Only areas nominated by a Governor are eligible for designation. The program protects the integrity of these sites while allowing the public to learn firsthand about the coastal zone and the complexity and fragility of life within it.

Since the NERRS program began in 1974, it has grown from a single 4,400-acre site in Oregon to a 26-site system managing almost 450,000 acres in 19 states and Puerto Rico. The program received \$4 million for section 315 in Fiscal Year 1974. Between Fiscal Years 1975 and 1995, section 315 funding ranged from zero in Fiscal Years 1975 and 1976 to \$3.7 million in Fiscal Year 1992. In Fiscal Year 1996, the program received \$4.3 million.

ADMINISTRATION

In Fiscal Year 1995, NOAA was authorized to expend up to \$5.9 million in Fiscal Year 1995 for administration of the program; it received \$4 million. In Fiscal Year 1996, NOAA also received \$4 million for administration. Administrative costs are also transferred from the Coastal Zone Management Fund established under section 308 of the CZMA.

COMMITTEE ACTION

H.R. 1965 was introduced on June 29, 1995, by the Chairman of the Subcommittee on Fisheries, Wildlife and Oceans, Jim Saxton, and has 129 cosponsors. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans.

On September 12, 1995, the Subcommittee held a hearing on H.R. 1965, where testimony was received from Mr. Jeffrey Benoit, NOAA, Department of Commerce; Mr. Robert Shinn, Commissioner, New Jersey Department of Environmental Protection; Ms. Trudy Coxe, Secretary, Massachusetts Executive Office of Environmental Affairs; Ms. Sarah Chasis, Natural Resources Defense Council; Mr. Michael Fischer, Executive Director, California State Coastal Conservancy; Dr. H. Wayne Beam, Chairman, Coastal States Organization; and Mr. George Berkowitz, President, Legal Seafoods. All witnesses testified in strong support of the reauthorization bill. Mr. David Duplantier of Chevron U.S.A. submitted testimony on behalf of the American Petroleum Institute and the National Ocean Industries Association stressing the need for the Department of Commerce to act expeditiously on consistency appeals to the Secretary of Commerce, as required under NOAA regulations.

On October 18, 1995, the Subcommittee met to mark up H.R. 1965. The bill was ordered favorably reported by voice vote to the Full Committee without amendment. On March 13, 1996, the Full Resources Committee met to consider H.R. 1965. An amendment in the nature of a substitute to reauthorize appropriations for coastal zone management programs through Fiscal Year 2000, and for other purposes, was offered by Congressman Jim Saxton, and adopted by voice vote. The bill, as amended, was then ordered fa-

vorably reported to the House of Representatives by voice vote in the presence of a quorum.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

The short title of H.R. 1965 is the "Coastal Zone Management Reauthorization Act of 1995."

Sec. 2. Financial assistance for development of State coastal programs

Section 2 extends financial assistance for Management Development Grants through Fiscal Year 1999; increases the total number of grants a coastal state is eligible to receive from two to four grants; and repeals Federal financial assistance for state program development after Fiscal Year 1999.

Sec. 3. Implementation assistance for coastal zone enhancement

Section 3 allows the states to use a portion of their section 309 funding to implement new program elements for up to two full fiscal years after the year in which the program change is approved.

Sec. 4. Authorization of appropriations for grants

Section 4 authorizes the following amounts:

For sections 306, 306A and 309 grants: \$46.2 million for Fiscal Year 1996; \$47.6 million for Fiscal Year 1997; \$49.0 million for Fiscal Year 1998; \$50.5 million for Fiscal Year 1999; and \$52.0 million for Fiscal Year 2000.

National Estuarine Research Reserve Grants: \$4.3 million for Fiscal Year 1996; \$4.4 million for Fiscal Year 1997; \$4.5 million for Fiscal Year 1998; \$4.6 million for Fiscal Year 1999; and \$4.7 million for Fiscal Year 2000.

Sec. 5. Coastal Zone Management Fund

Section 5 authorizes expenditures for the following amounts from the Coastal Zone Management Fund:

Administrative expenses: the higher of \$4 million or eight percent of the total amount appropriated for each of Fiscal Years 1996–2000; and

State program development: \$500,000 in Fiscal Year 1996, and \$200,000 for Fiscal Years 1997–1999.

Sec. 6. Matching requirement

Section 6 amends section 315 of the Coastal Zone Management Act, which establishes the National Estuarine Research Reserve (NERR) System. Under section 315, the Secretary of Commerce may make grants to coastal states to acquire lands and waters for NERRs, operating and managing a NERR, and conducting educational or interpretative activities at a NERR. Section 315(e)(3) requires, in some cases, a state match ranging from 30 to 50 percent of the costs incurred. The amendment made by section 6 of H.R. 1965 waives this state matching requirement in those cases where the Secretary of Commerce, as a trustee for Federal marine resources, determines under other law that funds recovered by the

Secretary for harm to those natural resources can be properly used to create, operate, manage or conduct educational or interpretative activities at a NERR. By this amendment to the Coastal Zone Management Act, the Committee does not intend to expand or otherwise affect the requirements for collecting or the use of natural resources damages under other laws. This section merely waives a state-match condition for NERRs and retains any restriction regarding the use of natural resource damages under the four Federal laws under which natural resource damages are authorized.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1965 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1965. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1965 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1965.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1965 from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 4, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1965, the Coastal Zone Management Reauthorization Act of 1996.

Enactment of H.R. 1965 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 1965.
2. Bill title: Coastal Zone Management Reauthorization Act of 1996.
3. Bill status: As ordered reported by the House Committee on Resources on March 13, 1996.
4. Bill purpose: H.R. 1965 would amend the Coastal Zone Management Act of 1972 as follows:

Coastal Zone Management Plan Development (Section 305 Grants).—The bill would authorize appropriations through fiscal year 1999 and abolish grants for new state programs thereafter. It also would raise the maximum number of management development grants a state may receive from two to four.

Coastal Zone Enhancement and Technical Assistance (Section 309–10 Grants).—The bill would authorize appropriations through fiscal year 2000 and allow states to use a portion of a coastal zone enhancement grant (Section 309 grants) to fund new management program elements (that is, for Section 306 grant purposes) for up to two years after a grant is awarded.

Coastal Zone Administration, Resource Management, the Coastal Zone Management Fund, and the National Estuarine Research Reserve System (Section 306, 306A, 308, and 315 Grants).—The bill would authorize appropriations through fiscal year 2000 and allow states to use one hundred percent of the federal funds they receive for natural resource damages toward the required state match for estuarine research reserve system grants (Section 315 grants).

5. Estimated cost to the Federal Government: Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 1965 would result in new discretionary spending totaling about \$200 million over the 1996–2000 period. Additional spending of about \$30 million from the amounts authorized in the bill would occur after 2000.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
SPENDING SUBJECT TO APPROPRIATIONS ACTION					
Spending under current law:					
Budget authority	55	0	0	0	0
Estimated outlays	54	19	7	3	0
Proposed changes:					
Authorization level	0	56	58	59	61
Estimated outlays	0	36	50	55	60
Spending under H.R. 1965:					
Estimated budget authority	55	56	58	59	61
Estimated outlays	54	55	57	58	60

The costs of this bill fall within budget function 300.

6. Basis of estimate: H.R. 1965 would authorize \$234 million in new grants to states for coastal zone management and estuarine reserve programs. Outlays are estimated based on historical spending rates for these activities.

The bill would raise current limits on the number of grants a state may receive and the purposes for which they may be spent. CBO estimates that these changes would have no budgetary impact.

7. Pay-as-you-go considerations: None.

8. Estimated impact on State, local, and tribal governments: H.R. 1965 contains no intergovernmental mandates as defined in Public Law 104-4 and would impose no direct costs on state, local or tribal governments.

Most of the appropriations authorized by this bill would be for grants to states. The bill gives the states some additional flexibility in using some of these grants, but would eliminate one program—management program development grants—after fiscal year 1999.

States may benefit from a provision that would allow them to use amounts received as damages from parties responsible for injuries to natural resources to pay for 100 percent of the costs of activities under the National Estuarine Research Reserve System. (The state of Alaska has received such damages as a result of the Exxon Valdez oil spill settlement.) Under current law, states are required to provide matching funds from other sources.

9. Estimated impact on the private sector: The bill would impose no new federal private sector mandates, as defined by Public Law 104-4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Gary Brown; State and Local Government Impact: Marjorie Miller; and Private Sector Impact: Army Downs.

12. Estimate approved by: Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 1965 contains no unfunded mandates.

DEPARTMENTAL REPORTS

The Committee has received no departmental reports on H.R. 1965.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

COASTAL ZONE MANAGEMENT ACT OF 1972

* * * * *

TITLE III—MANAGEMENT OF THE COASTAL ZONE

SHORT TITLE

SEC. 301. This title may be cited as the “Coastal Zone Management Act of 1972”.

* * * * *

MANAGEMENT PROGRAM DEVELOPMENT GRANTS

SEC. 305. (a) In fiscal years **[1991, 1992, and 1993]** *1996, 1997, 1998, and 1999*, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed \$200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state pursuant to this subsection, no subsequent grant shall be made to that coastal state pursuant to this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than **[two]** *four* grants pursuant to this subsection.

* * * * *

COASTAL ZONE MANAGEMENT FUND

SEC. 308. (a) * * *

(b)(1) The Secretary shall establish and maintain a fund, to be known as the “Coastal Zone Management Fund” which shall consist of amounts retained and deposited into the Fund under subsection (a) and fees deposited into the Fund under section 307(i)(3).

(2) Subject to amounts provided in appropriation Acts, amounts in the Fund shall be available to the Secretary for use for the following:

[(A) Expenses incident to the administration of this title, in an amount not to exceed—

- [(i) \$5,000,000 for fiscal year 1991;**
- [(ii) \$5,225,000 for fiscal year 1992;**
- [(iii) \$5,460,125 for fiscal year 1993;**
- [(iv) \$5,705,830 for fiscal year 1994; and**
- [(v) \$5,962,593 for fiscal year 1995.]**

(A) *Expenses incident to the administration of this title, in an amount not to exceed for each of fiscal years 1996, 1997, 1998, 1999, and 2000 the higher of—*

(i) \$4,000,000; or

(ii) 8 percent of the total amount appropriated under this title for the fiscal year.

(B) After use under subparagraph (A)—

(i) * * *

* * * * *

[(v) program development grants as authorized by section 305; and]

(v) program development grants as authorized by section 305, in an amount not to exceed \$500,000 for fiscal year 1996, and \$200,000 for each of fiscal years 1997, 1998, and 1999; and

* * * * *

COASTAL ZONE ENHANCEMENT GRANTS

SEC. 309. (a) * * *

(b)(1) Subject to the limitations and goals established in this section, the Secretary may make grants to coastal states to provide funding for development and submission for Federal approval of program changes that support attainment of one or more coastal zone enhancement objectives.

(2)(A) *In addition to any amounts provided under section 306, and subject to the availability of appropriations, the Secretary may make grants under this subsection to States for implementing program changes approved by the Secretary in accordance with section 306(e).*

(B) *Grants under this paragraph to implement a program change may not be made in any fiscal year after the second fiscal year that begins after the approval of that change by the Secretary.*

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NATIONAL ESTUARINE RESEARCH RESERVE SYSTEM

SEC. 315. (a) * * *

* * * * *

(e) FINANCIAL ASSISTANCE.—(1) * * *

* * * * *

(3)(A) * * *

* * * * *

(C) *Notwithstanding subparagraphs (A) and (B), financial assistance under this subsection provided from amounts recovered as natural resource damages may be used to pay 100 percent of the costs of activities carried out with the assistance.*

* * * * *

AUTHORIZATION OF APPROPRIATIONS

[SEC. 318. (a) There are authorized to be appropriated to the Secretary—

[(1) such sums, not to exceed \$750,000 for each of the fiscal years occurring during the period beginning October 1, 1990, and ending September 30, 1993, as may be necessary for grants under section 305, to remain available until expended;

[(2) such sums, not to exceed \$42,000,000 for the fiscal year ending September 30, 1991, \$48,890,000 for the fiscal year ending September 30, 1992, \$58,870,000 for the fiscal year ending September 30, 1993, \$67,930,000 for the fiscal year ending September 30, 1994, and \$90,090,000 for the fiscal year ending September 30, 1995, as may be necessary for grants under sections 306, 306A, and 309, to remain available until expended;

[(3) such sums, not to exceed \$6,000,000 for the fiscal year ending September 30, 1991, \$6,270,000 for the fiscal year ending September 30, 1992, \$6,552,000 for the fiscal year ending September 30, 1993, \$6,847,000 for the fiscal year ending September 30, 1994, and \$7,155,000 for the fiscal year ending September 30, 1995, as may be necessary for grants under section 315, to remain available until expended; and

[(4) such sums, not to exceed \$10,000,000 for each of the fiscal years occurring during the period beginning October 1, 1990, and ending September 30, 1995, as may be necessary for activities under section 310 and for administrative expenses incident to the administration of this title; except that expenditures for such administrative expenses shall not exceed \$5,000,000 in any such fiscal year.

[(b) There are authorized to be appropriated until October 1, 1986, to the Fund, such sums, not to exceed \$800,000,000, for the purposes of carrying out the provisions of section 308, other than subsection (b), of which not to exceed \$150,000,000 shall be for purposes of subsections (c)(1), (c)(2) and (c)(3) of such section.]

SEC. 318. (a) There are authorized to be appropriated to the Secretary, to remain available until expended—

(1) for grants under sections 306, 306A, and 309—

- (A) \$46,200,000 for fiscal year 1996;*
- (B) \$47,600,000 for fiscal year 1997;*
- (C) \$49,000,000 for fiscal year 1998;*
- (D) \$50,500,000 for fiscal year 1999; and*
- (E) \$52,000,000 for fiscal year 2000; and*

(2) for grants under section 315—

- (A) \$4,300,000 for fiscal year 1996;*
- (B) \$4,400,000 for fiscal year 1997;*
- (C) \$4,500,000 for fiscal year 1998;*
- (D) \$4,600,000 for fiscal year 1999; and*
- (E) \$4,700,000 for fiscal year 2000.*

[(c)] (b) Federal funds received from other sources shall not be used to pay a coastal state's share of costs under section 306 or 309.

[(d)] (c) The amount of any grant, or portion of a grant, made to a State under any section of this Act which is not obligated by such State during the fiscal year, or during the second fiscal year after the fiscal year, for which it was first authorized to be obligated by such State shall revert to the Secretary. The Secretary shall add such reverted amount to those funds available for grants

under the section for such reverted amount was originally made available.

* * * * *

[Note: The following amendments will take effect on October 1, 1999]

[MANAGEMENT PROGRAM DEVELOPMENT GRANTS]

SUBMITTAL OF STATE PROGRAM FOR APPROVAL

SEC. 305. [(a) In fiscal years 1996, 1997, 1998, and 1999, the Secretary may make a grant annually to any coastal state without an approved program if the coastal state demonstrates to the satisfaction of the Secretary that the grant will be used to develop a management program consistent with the requirements set forth in section 306. The amount of any such grant shall not exceed \$200,000 in any fiscal year, and shall require State matching funds according to a 4-to-1 ratio of Federal-to-State contributions. After an initial grant is made to a coastal state pursuant to this subsection, no subsequent grant shall be made to that coastal state pursuant to this subsection unless the Secretary finds that the coastal state is satisfactorily developing its management program. No coastal state is eligible to receive more than four grants pursuant to this subsection.]

[(b)] Any coastal state which has completed the development of its management program shall submit such program to the Secretary for review and approval pursuant to section 306.

* * * * *

SEC. 308. (a) * * *

(b)(1) The Secretary shall establish and maintain a fund, to be known as the "Coastal Zone Management Fund" which shall consist of amounts retained and deposited into the Fund under subsection (a) and fees deposited into the Fund under section 307(i)(3).

(2) Subject to amounts provided in appropriation Acts, amounts in the Fund shall be available to the Secretary for use for the following:

(A) * * *

(B) After use under subparagraph (A)—

(i) projects to address management issues which are regional in scope, including interstate projects;

(ii) demonstration projects which have high potential for improving coastal zone management, especially at the local level;

(iii) emergency grants to State coastal zone management agencies to address unforeseen or disaster-related circumstances;

(iv) appropriate awards recognizing excellence in coastal zone management as provided in section 314; and

[(v) program development grants as authorized by section 305, in an amount not to exceed \$500,000 for fiscal year 1996, and \$200,000 for each of fiscal years 1997, 1998, and 1999; and]

[(vi)] (v) to provide financial support to coastal states for use for investigating and applying the public trust doc-

trine to implement State management programs approved
under section 306.

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